

**UNITED STATES FEDERAL DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED
August 12, 2022
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ **CC**
DEPUTY

Kimberly D. Hogan Pro se
Plaintiff / Appellant

CASE NUMBER: 1:21-CV-00892-RP

Aspire Financial, Inc. D/B/A Aspire Lending
and Council Donald E. Uloth
Defendants / Appellees

**2ND AMENDED NOTICE OF APPEAL, COMPLAINT, AND REMOVAL FOR FRAUD
UPON THE COURT, DENIAL OF DUE PROCESS, EQUAL PROTECTION, AND
MEANINGFUL ACCESS TO THE COURT, RECORDS TAMPERING CENSORING
EVIDENCE STRIPPING, AND FOR A FRAUDULENT CONCOCTED UNITED STATES DISTRICT
COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION, RICO AND
FEDERAL CRIME VIOLATIONS TO OATH OF OFFICE**

1. Plaintiff / Appellant:

Plaintiff: Kimberly D. Hogan Pro se
10015 Lake Creek Pkwy. #621
Austin, Texas 78729
kdhogan@ymail.com
(303)246-1587

2. Defendants / Appellees:

Defendant: Aspire Financial, Inc. d/b/a Aspire Lending
4100 Alpha Rd. Suite 300

Dallas, Texas 75244
(877)325-2009

Defendant's Counsel: Donald E. Uloth
Texas Bar No. 20374200
18208 Preston Rd. Suite D-9 #261
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Clerk of the Court: Lisa Matz

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U.S. District Judge Robert Pitman

501 West 5th Street, Suite 5300

Austin, Texas 78701

(512) 391-8792

U.S. Magistrate Judge Mark Lane

501 West 5th Street, Suite 7400

Austin, Texas 78701

(512) 916-5896 ext. 8705

Tyler Technologies

5101 Tennyson Parkway

Plano, Texas 75024

(972) 713-3700

info@tylertech.com

AND John Does and Jane Does 1- 100 Identities Yet to be determined.

I.

A Classical Text Book Example of Incompetent Mortgage Lenders with Big Fake Puffing and Untruthful Advertisements

1. **Aspire Advertises what Great Professional Competent Mortgage Lending it engages in NOT TRUE**
2. **Plaintiff Hogan was Baited and Lured by Aspire Lending into a Mortgage Agreement WHICH AFTER CONSIDERABLE effort on Plaintiff's Part, the Mortgage Loan was APPROVED, after Aspire instructed Her to sell Her Colorado Home. Aspire Approved the Mortgage Financing for a replacement home in Texas for Plaintiff Hogan who based on the APPROVAL relocated to Texas to Close on the Newly Financed Home to replace Her Colorado Home.**
3. **After Plaintiff Hogan spent many, many thousands of dollars and hundreds of hours securing the Newly APPROVED Mortgage Financing, the Incompetent, Grossly Negligent and Deceptive Aspire Mortgage Lending REVERSED Their Approval seriously DAMAGING Plaintiff in Her relocation and costing Her huge amounts of time effort and Money.**
4. **The State District Court Clerks operate an E Filing System under contract with the State Courts of Texas. The exhibits, evidence and proof of the Incompetant, Deceptive Breach of the Approved Mortgage Financing was stripped out of the Case by the E Filing System and the State Courts REFUSE to accept the Fact that the Tyler Technologies Inc. and the State Court REMOVED Her Evidentiary Materials from the Case, thereafter ruling against Her because E File Tyler Technologies STRIPPED THE EVIDENCE FILINGS from the Case.**
5. **Aspire is NOT Professional nor Competent as Their Claimed EXCUSE for Reversing the Approved Mortgage Financing was some Manufactured Claim of Their Mistake. Aspire Reversed The Approval based on Their Negligence and Incompetence.**
6. **The E Filing System, The Court Clerks and the Judges below have ignored the Facts and Law in this Cause and have BENT OVER BACKWARDS to protect and serve the Interests of Aspire Mortgage Lending, Their Lawyers, E Filing and Tyler Technologies. The APPROVED Mortgage Loan, after Aspire instructed Plaintiff Hogan to Sell Her Colorado Home, the Breach of the Approval and all of Plaintiff**

Hogan's Damages are traceable to the Incompetence and Deception of Aspire, Tyler Technologies, Their Lawyers and the Judges in the State Courts below.

Plaintiff Hogan is being COURT STRIPPED and Denied Her Rights in Her Property and the Rights She has to recover in this Cause by the Incompetant Unprofessional and DISHONEST conduct being waged against Her.

3. Jurisdiction Plea:

*"A plea to the jurisdiction contests the trial court's power to determine the subject matter of the controversy. *Texas Dept. of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 226 (Tex. 2004); *Texas Highway Dep't v. Jarrell*, 418 S.W.2d 486, 488 (Tex. 1967).* Subject matter jurisdiction is essential to the authority of the court to decide a case. *Texas Ass'n of Bus. v. Texas Air Control Bd.*, 852 S.W.2d 440, 443 (Tex. 1993)."

28 U.S. Code § 1331 - Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

Denial of Meaningful Access to the Courts of the State of Texas

Denial of Equal Protection of the Laws

Denial of Due Process of the Laws

Stripping Evidence from Kim Hogan's Case and Bastardization of the Court Records by Electronic Computer, Internet Means by the Appeals Court and Supreme Court of Texas.

Rule 8. General Rules of Pleading

(a) Claim for Relief. A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; **denial of Equal Protection Due Process and Meaningful Access**
COURT FRAUDS and Fraudulent Entry of FRAUDULENT JUDGEMENTS

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

Therefore, since the Horrendously Fraudulent and Abusive Magnitude of the Subject Matter of this Case, **United States Court of Appeals for the 5th Circuit is the proper Jurisdiction for handling this Case.**

4. Alligation 1

I, Kimberly D. Hogan am Filing this Notice of Appeal and COMPLAINT, seeking Removal, and herewith Appeals into the **United States Federal District Court Austin Division.**

reasons:

I was APPROVED, Under Contract, and Congratulated for my Approved Mortgage Funding Contract by Aspire for my new home. I was set to close on the New Purchase in Texas, ***AFTER I sold my Colorado Home as I was instructed to do so by Aspire.***

(see Accepted and Filed on the Record Exhibit E / Contract pages 1-30:

<https://documentcloud.adobe.com/link/review/?locale=en-US&uri=urn%3Aaaid%3Ascds%3AUS%3A05nZIRvJSP2LQ4r00XxUDA> and Exhibit F/ Congratulations on the Contract and Termination of Contract pages 1 and 2:

https://documentcloud.adobe.com/link/review/?locale=en-US&uri=urn%3Aaaid%3Ascds%3AUS%3ASUGRq2EzR62j_SLL5MKjWw). Also, Must Hear Aspire's former and

since Resigned Vice President Stephen Barton admit their Wrongs done to me in Part of Exhibit D here: <https://youtu.be/-SksIVmUs0w>

This is a Mortgage Fraud Case for Deceptive Trade Practices, Promissory Estoppel, Common Law Fraud, Reckless Misrepresentation, Detrimental Reliance, and Breach of Contract, because

Aspire Lending Baited and Lured me to Sell my Colorado home in order to get their Loan to purchase my new Texas home and then reneged Some weeks thereafter ASPIRE reneged and claimed as an excuse they violated HUD Handbook Rule 4155.1 and Underwriting Rules for Soft Income, Aspire's Loan Agent Rhonda Hurst was reported and ordered to Cease and Desist, was found guilty and fined, BY THE STATE OF TEXAS and thereafter lead to her resignation (see Accepted and Filed on the Record Exhibit A for Cease and Desist Order, with HUD Handbook and Underwriting Rules Violations pages 1 through 8:

<https://documentcloud.adobe.com/link/review?uri=urn:aid:scds:US:89129d10-ffcd-4400-8f88-2b9b0d1e2135>). The EXCUSE , **Deceit and Lies runs deep with Aspire which explains the Termination of these 41 out of 45 business locations, and the Removal of their**

CFO Katie Miller and her CEO husband Kevin Miller. See Proof here:

<https://documentcloud.adobe.com/link/track?uri=urn:aid:scds:US:e8db68f8-571b-49be-8e4d-4a7d6fc2c82f> and here:

<https://documentcloud.adobe.com/link/track?uri=urn:aid:scds:US:2451c9a9-381c-4421-ac07-f443e108a7f1>

Relying on Aspire's Representation that I SELL my Colorado Residence in exchange for an Aspire Mortgage, I Sold my Colorado Residence, and it was to my Detriment. . Aspire thereafter attempted to PUNISH me and did by Filing a Knowingly, Abusive and False Counterclaim for Defamation (I Won "With Prejudice"). after a Negligent Wrongful Summary

Judgement due to my Court Stripped Evidence and Exhibits being Criminally Removed from the Record prior to the hearing. (See Civil Court Final Judgement:

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:c3b70c9a-1185-4f40-b82b-5b792124102f>).

5. Alligation 2

MASSIVE FRAUD via Court Stripping of Evidence and Exhibits started within the 162nd Civil District Court during the KNOWINGLY WRONGFUL SUMMARY JUDGEMENT HEARING (when Judge Maricela Moore REFUSED to take a short recess to inquire with her Court Coordinator Melinda Thomas and/or the Clerk of the Court Felicia Pitre, to see where my successfully submitted Evidence and Exhibits were and why they were not on her desk, and when she also REFUSED another offered copy by the Defendant's Council and myself to be provided; Judge Moore instead rushed forward into making me the Defendant in the now KNOWINGLY FALSE COUNTER CLAIM OF DEFAMATION, which I Won With Prejudice!), then the Fraud Upon and By The Court continued through the Dallas 5th Appellate Court, and again in the Texas Supreme Court with the Fraudulent Judgment denying Petition, and YET AGAIN by the U.S. Federal District Court **Judges Mark Lane and Robert Pitman's KNOWINGLY LYING FALSE AND FRAUDULENT Claim of My Above and Beyond INDISPUTABLY PROVEN Claims (Contained Within Every Filing same as with This One) as Frivolous, Fantastical, Meritless, and delusional.** See Lane's Fraudulent "Suggested Dismissal" Here:

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:f1df4c34-5620-486c-859b-e5f27ea088fb>

See My OBJECTION Here:

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:58aa3128-0565-43cb-9504-4d507916e351>

And see Pitman's Final and Fraudulent Dismissal Here:

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:1ab90d20-5229-44a7-a337-8c2eebf61f5b>

By **ignoring proper evidence** before these Courts and criminally altering, *CENSORING*, and stripping the record, **complete deprivation of My Rights** has been inflicted upon Me by every level of these Texas and Federal Courts. Total Violation of U.S. Constitutional and Texas Constitutional Due Process and Equal Protection by the lower 162nd District Court, the Dallas 5th Appellate Court, the Texas Supreme Court, and now the U.S. Federal District Court Austin Division has been perpetrated by them. These Courts Stripped me of My 14th Amendment Rights. (See 14th Amendment:

<https://law.justia.com/constitution/us/amendment-14/04-due-process-of-law.html>).

These Courts unlawfully *CENSORED*, removed, extricated Evidence and Exhibits from the Record of this live and ongoing case (**which Dallas 5th Appellate Court Clerk Lisa Matz alludes to and appears to have actually Admitted to right here:**<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:d1e2b744-899b-4d02-859f-eb8d2ac31a42>), which was always SUCCESSFULLY SUBMITTED at EVERY Filing through the Tyler Technologies Texas E-file System (**which Tyler Technologies Confirmed here:**<https://youtu.be/O-JEI2BIMJU>), plus I submitted via Certified Mail and Hard Copies numerous times. (See: Appellant's Accepted and Filed on the Record "Motion to Correct the Record":

<https://documentcloud.adobe.com/link/review/?locale=en-US&uri=urn%3Aaid%3Ascds%3AUS%3AJ-9jLOBPRhe3CxbvJO9iQg>).

The Courts through the Tyler Technologies E-file System fraudulently Cleaned and Scrubbed the Record of ALL my Evidence and Exhibits, until finally last minute after realizing they were still not admitted onto the record for Texas Supreme Court, I raised Hell amongst the Clerks and Demanded they be admitted immediately, and supplied them once again Attached in a Accepted Filed Letter. (see “Letter to Clerks” here:

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:a1178bfd-ef14-4b34-883a-3a5af264544c>).

With My Exhibits and Evidence still missing from the Record. I was “DENIED” my earlier Motion to Correct the Record with an UNSIGNED / NO SIGNATURE, UNSIGNED Notice from SUPPOSEDLY Justice Craig Smith, without even a hint or reason stated from the Court for the Denial. (See Denial:

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:07049492-bb57-42dc-8bad-ca788402171a>).

I was Yet Again “DENIED”, this time my SCOTEX Petition (without even a hint or reason stated from Anyone!) on an UNSIGNED / NO SIGNATURE, UNSIGNED Fraudulent Judgment Notice (therefore I am forced to have to hold the whole panel of SCOTEX Justices Accountable), and ironically as if a slap in the face it was dated CONSTITUTION DAY 09/17/2021. Disgusting! (See the supposed SCOTEX Petition Denial:

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:78a2fdcf-bd32-4625-bd87-1d3d95af587b>

Aspire / Texas Lending is directly enriched by and gains Mortgage Funding from Partners and Mutual Owners of the Banks, S&Ls and even the Financiers of HUD's and FHA's Mortgage Lending MATRIX / SYSTEM. By "Following The Money" as to who funds Aspire, Texas Lending, EFile and Tyler Technologies, it's is traceable to BlackRock , Vanguard Investments and a Plethora of Pension Funds and Investment Groups beholding to the Federal Reserve, Federal Home Loan Bank Board, FHA, HUD and in General the State of Texas and US Governments. The Financial Ties and Conflicts of Interest reveals ***and makes perfect sense why my Evidence and Exhibits (including My Rights) were Court Stripped.***

The Globalist Banksters Blackrock Investments, Vanguard Investments etc etc Et Al Fund Tyler Technologies and EFile funding them Both. (see proof:

<https://fintel.io/news/blackrock-inc-cuts-stake-in-tyl-tyler-technologies-inc-0.3403336436453458>

And:

<https://www.stockninja.io/stocks/tyl/ownership/>

Also:

[https://www.tylertech.com/about-us/\).](https://www.tylertech.com/about-us/)

Tyler Technologies is the Server running The Government, Department of Justice websites, and now Law Enforcement! (see proof:

[https://www.police1.com/iacp/articles/tyler-technologies-launches-digital-evidence-board-software-9lgSsD5MwM3rXQjS/\).](https://www.police1.com/iacp/articles/tyler-technologies-launches-digital-evidence-board-software-9lgSsD5MwM3rXQjS/)

Stripping Evidence using EFile seems to be ACCEPTABLE to the Texas Courts and leads to the Question HOW MANY OTHERS ARE BEING Defrauded, Cheated and

Court Stripped by these CONFLICTS OF INTEREST! JUSTICE DENIED , BOUGHT AND SOLD PAID FOR by the Investors of EFile and Tyley Technologies? BLACKROCK VANGUARD and THE GOV with THE DOJ all interface with and are controlled by EFile and Tyler Technologies ? **The Corrupt, Underhanded STRIPPING of the Evidence from My Cases and the FRAUD BY THESE COURTS needs to be fully REVIEWED, Corrected, and Punishment for these Crimes, and Violations of Oaths of Office need to be adhered to. (See 5 U.S. 7311 & Exc. Order 10450:**

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:65529d47-43ee-4fd a-85a8-ccb277310ebe>).

Sure appears my Judges in the lower courts May have some Financial Interests, which wouldn't be a first, nor surprising! (see articles:

<https://www.wsj.com/articles/131-federal-judges-broke-the-law-by-hearing-cases-where-they-had-a-financial-interest-11632834421>

<https://www.reuters.com/investigates/special-report/usa-judges-misconduct/>).

I personally DO NOT take kindly to Racketeering Violations and the Blatant Conflicts of Interests and Nullification of The Texas and United States Constitutions. It was My Family Members (Daniel Carroll and Charles Carroll) who assisted in the Writing of and Signing of it, including The Declaration of Independence. Anyone can look up my Royal Ancestry in Any Genealogy Library going all the way back to the Pharaohs in order to search that Fact. Here is a link from a portion of my Royal Ancestry Bloodline Family Tree, where I am listed on page 32 (see pages 1, 9, 32, and 34 for proof here:

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:38d7784c-f47d-4997-83da-b2da899968c7>

**EFile Strips Evidence and MY CASE NEEDS TO BE ALLOWED A FAIR
IMPARTIAL TRIAL WITH ALL MY EVIDENCE AND EXHIBITS Properly
Considered, and this time I will Not be Denied I DEMAND FULL and
ROBUST Discovery as I was denied such in the 162nd District Court in
Dallas.**

STATEMENT OF RELIEF

As any Normal Thinking Human Being can possibly Imagine, this has been an Extremely Long and Intense Emotional, Mental, Spiritual, and Physical (Health/Stress) Battle from Hell for Justice and Sought Damages, and especially without Council. I had to learn and Research countless thousands of hours as if a Lawyer or Law Student myself, in order to come thus far as a Pro se Litigant; something I never would have willingly chose as a Career otherwise, especially now after 1st hand witnessing what a Disgrace and Unjust Corrupt System it has become. Our Founding Fathers must be Rolling Over in their Graves. Clearly the System needs an overhaul and clean up. Justice For All Needs to be Restored in and by the Courts, and until then..... No Justice No Peace. That being said, I believe One Million in REAL Money (Silver and Gold) PER YEAR of my time doing battle against Aspire and the Lower Courts Frauds, is an Acceptable amount and form of Relief.

Lastly and Also I demand Punitive Damages be assessed and awarded as the
MANY CONFLICTS OF INTEREST and Blatant Lies and Fraud Upon The Court
with Tyler Technologies, EFile, Aspire Lending, the Texas Courts, and U.S.
Federal District Court Texas Western District Austin Division. **ALL OF THE**
COURTS HAVE FRAUDULENTLY STRIPPED MY RECORDS AND EXHIBITS
CONTINUOUSLY BEGINNING FROM DAY ONE STRIPPING ME OF MY RIGHTS.

/s/ Kimberly D. Hogan

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August 12th, 2022